City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3018935

Applicant Name: Jodi Patterson-O'Hare, for Holland Development

Address of Proposal: 970 Denny Way

SUMMARY OF PROPOSAL

Land Use Application to allow a 40-story apartment building containing 468 apartment units above 15,580 sf of retail space. Parking for 359 vehicles to be provided. Existing structures to be demolished. An Addendum to the South Lake Union Height and Density Environmental Impact Statement (EIS) has been prepared.

The following approvals are required:

Design Review pursuant to Chapter 23.41, Seattle Municipal Code, with Departures:

Development Standard Departure to exceed maximum roof coverage provisions - exceed 25%. (SMC 23.48.010.H.4)
Development Standard Departure to exceed maximum roof coverage provisions – exceed 65%. (SMC 23.48.010.H.7)
Development Standard Departure to exceed maximum roof coverage provisions and for rooftop features to be within 10 ft of the edge of the roof. (SMC 23.48.010.H.7)
Development Standard Departure to exceed maximum ground level setback at the Terry and Denny corner. (SMC 23.48.014.A.3.b)
Development Standard Departure to not meet minimum parking space dimensions. (SMC 23.54.030.B.2.b)

SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [X] EIS*

[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

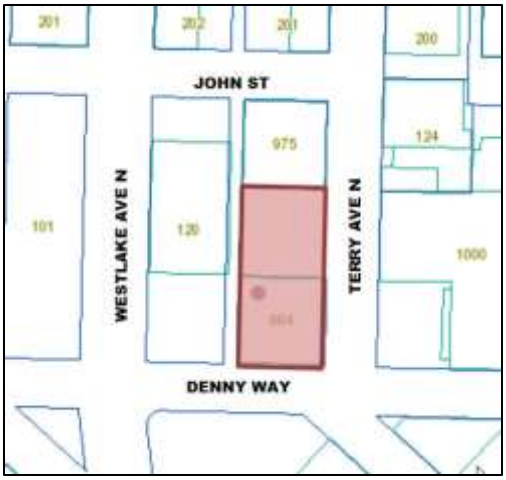
*The April 2012 South Lake Union Height and Density Alternatives FEIS is adopted with an Addendum for the proposed development. The Notice of Availability of the EIS Addendum was published on November 30, 2015.

Site:

Site Zone: SM 240/125-400
Seattle Mixed, base height 240 ft
maximum height 125 – 400 ft
depending on uses

Nearby Zones: (North) SM 240/125-400
(South) DMC 240/290-400
(East) SM 240/125-400
(West) SM 240/125-400

Lot Area: 28,264 sq ft



Current Development:

The site is occupied by a three story commercial structure, surface parking and a loading ramp.

Surrounding Development and Neighborhood Character:

A newer seven-story residential structure occupies the remainder of the half block to the north. An 11-story residential structure occupies the entire half-block to the west across the alley. A mix of commercial, hotel and educational buildings is found to the east and south. The block is located in a highly visible location between Downtown and the rapidly transforming South Lake Union (SLU) neighborhood.

Access:

Pedestrian access is from the two adjacent sidewalks of Denny Way and Terry Avenue N. Vehicular access is from the adjacent through-block alley.

Environmentally Critical Areas:

None.

Public Comments:

The Notice of MUP application was published on April 30, 2015. The Notice of Availability of the EIS Addendum was published on November 30, 2015. The SEPA public comment period ended on December 14, 2015. No comments were received in response to this public comment period. Public comments received at to Design Review meetings are summarized in that section below.

I. ANALYSIS – DESIGN REVIEW

EARLY DESIGN GUIDANCE February 18, 2015

The booklet includes materials presented at the meeting, and is available online by entering the project number (**Error! Reference source not found.**) at this website:
http://www.seattle.gov/dpd/aboutus/news/events/DesignReview/SearchPastReviews/default.aspx

The booklet is also available to view in the file, by contacting the Public Resource Center at DPD:

Mailing Address: **Public Resource Center**
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

PUBLIC COMMENT

During public comment, the following issues and concerns were raised:

- Concerned about shadow and wind impacts on alley residential units in the adjacent buildings.
- Supported the quantity and potential mix of local serving retail.
- Concerned about lighting, safety and CPTED issues along the alley and street frontage.
- Supported the north tower placement, and the curved tower design.
- Endorsed a crosswalk at Terry & Denny, and supported the building responding at that corner with pedestrian amenity.
- Opposed to blank walls or faux windows on the street facades, particularly along sloping Denny Way.
- Endorsed the generous setback and transparent, porous storefront shown along Terry.

EARLY DESIGN GUIDANCE February 18, 2015
(South Lake Union (SLU) Design Guidelines referenced)

1. MASSING & CONTEXT RESPONSE:

a) The Board strongly endorsed the north tower placement for this prominent and tall form, as it creates a south roof terrace and better scale along Denny (EDG booklet pages 23/24). The Board also endorsed the preferred massing option 3, with some aspects at the lower levels along Terry Avenue of option 2 being desirable. See comments under 3b below. (Guidelines CS2, DC2-A)

b) The Board agreed the curving tower contrasted with the rectilinear 'industrial base' is a sound approach, but had comments about how the tower expression meets the street and interacts with the 'industrial base' along Terry (3c), and other refinements to the upper tower (4a & b below). (Guidelines CS3-II, DC2-)

2. GROUND LEVEL USES & STREETSCAPE:

a) The Board strongly endorsed the large quantity and full-depth retail shown on page 37, and especially endorsed the 2-story retail entry activating the alley corner, shown on page 47. (Guidelines DC1-A, PL3-C)

b) The Board supported the option 3 voluntary setbacks along Terry (page 39, option 3), and the use of these setbacks (referred to as'docks') as a café zone, as long as the public sidewalk remains 12 ft minimum wide along Terry, the docks stay as low to grade as possible, and the cafe 'fence' stays low and fully transparent as shown on page 46. The Board required color drawings at the next meeting that show the proposed Terry Avenue street design fully in the context of existing and proposed streetscapes 1 block to the south and 3 blocks to the north. (Guidelines PL2-I, PL3)

c) The Board supported a 'dock' wrapping and activating the southeast corner, but as shown on pages 45 and 61, it encroaches too much on the sidewalk. It should be recessed onto the site and not overly encroach on the public, pedestrian realm. It appears the deeply recessed corner storefront could shift and accommodate this dock, plus maintain a generous level spot at the corner and the recommended sidewalk width of the Denny Way Streetscape Concept Plan. (Guidelines PL1-III, PL3)

d) While not presented at the EDG meeting, the City Council adopted Denny Way Streetscape Concept Plan (DWSCP) has bearing on this site. The recommended typical street section on this portion of Denny (DWSCP page 13) shows the sidewalk on the north side of Denny Way (adjacent to this project) "should total 18 ft in width", with about 8 ft of landscaped buffer element along the busy Denny curb, and about 10 ft net paving. This means a "6 ft setback" inside the property line, and the paved setback should have a canopy for pedestrian protection.

The proposed landscape plan on page 61 shows about 6ft paving. The Board concurred that pedestrian volumes along busy Denny warrant the 10 ft paved zone. Subsequent site plans and landscape plans should show the recommended setback and canopies, while retaining the corner dock element inside the setback. (Guidelines CS2-B, PL1-B, PL2)

e) While outside the Design Review Board purview, the Board strongly supported implementation of a pedestrian crosswalk of Denny, so pedestrians can access bus stops on Denny and the Terry Avenue Green Street continuity from downtown to South Lake Union is walkable. Terry Avenue is a designated "Neighborhood Heart" in the SLU Design Guidelines (see CS2-I-iv, for specific Terry Avenue Streetscape recommendations), and the Board considers Terry and Denny to be a minor Gateway. The applicants are encouraged to work with SDOT for this item in their SIP plans. (Guidelines CS2-B, CS2-I-iv, PL1-B, PL4)

3. LOWER LEVELS & PODIUM EXPRESSION:

a) The Board endorsed the three-part massing for the Terry Avenue Façade as shown on page 48, but agreed the north 'industrial' mass should extend further south to better balance that street façade. The Board supported a portion of the southeast corner of the residential tower reaching grade along Terry. The Board suggested the glazed southeast corner, south of the vertical fin depicted on page 44, is logical and legible as the primary residential lobby entrance, and the ground floor program should adjust. (Guidelines CS2-C-3, CS3, PL2, DC2)

b) The Board agreed the southeast corner of the option 3 tower lacked intermediate scale and plane shifts, such as those shown on option 2, page 25. The lower floors at this location should be refined to integrate overhangs, the adjacent fin, and/or cues of entry. (Guidelines DC2-C)

c) The Board endorsed the cubic massing and the implied quality of masonry materials for the two 'industrial' blocks, and encouraged the applicants to not simply mimic historic architecture but rather interpret and distill key material and compositional principles for buildings of their own time. (Guidelines DC2, DC4-A)

d) The Board agreed the southeast corner of the podium acts as a hinge for the Terry Avenue street kink, and that corner will be a 'beacon' for north-bound pedestrians and users. The Board supported the special corner column and extra tall, transparent storefront entry, as depicted on page 45, and encouraged further exploration of the corner and the upper podium for elements which acknowledge this pivotal location in the urban context. (Guidelines CS2-A, CS2-C-1, DC2)

e) The Board endorsed high activation of the south podium rooftop, with diverse uses and a sophisticated and lush landscape palette. A complete landscape design for all roof terraces is required at the next meeting (no design was provided, however, the Board noted the precedent images on page 67 were a promising response to the guidelines). (Guidelines DC2-I-i, DC3-B-4, DC4-D)

4. TOWER MATERIALITY & DESIGN:

a) The Board supported the curving east and west facades of the option 3 tower, and the interlocking ovoid form that breaks up the north and south elevations (as shown on pages 37 and 49). The Board encouraged all four tower elevations to be carefully composed as they will be highly visible from a distance and proximate views, in a largely lower height, built-out context. (Guidelines CS2-A, DC2)

b) The Board encouraged the tower elevations to not be equal on all sides, and to respond to the distinct environmental factors and context cues that inform each different orientation. Consistent with SLU Design Guidelines, the Board emphasized environmental and sustainable factors for elevational design, as the applicant's stated response to this guideline currently appears to rely on specifications and internal systems. The Board requires a complete explanation of sustainable strategies and response to Guideline CS1-I at the next meeting.(Guidelines CS1, DC2-B, DC4-A)

RECOMMENDATION August 19, 2015
The booklet includes materials presented at the meeting, and is available online by entering the project number (**Error! Reference source not found.**) at this website:
http://www.seattle.gov/dpd/aboutus/news/events/DesignReview/SearchPastReviews/default.aspx

The booklet is also available to view in the file, by contacting the Public Resource Center at DPD:

Mailing Address: **Public Resource Center**
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

PUBLIC COMMENT
There was no public comment at this meeting.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the West Design Review Board members (the Board) provided the following design guidance.

All page references are to the Recommendation booklet dated August 19, 2015.

RECOMMENDATION August 19, 2015
(South Lake Union (SLU) Design Guidelines referenced)

5. MASSING & CONTEXT RESPONSE:

a) The Board reiterated support for the north tower placement for this prominent and tall form, as it creates a south roof terrace and better scale along Denny. (Guidelines CS2, DC2-A)

6. GROUND LEVEL USES & STREETSCAPE:

a) The Board strongly endorsed the large quantity and full-depth retail, and the revised four enclosed bays along Terry Avenue, as long as they retain the distinct metal framing with generous glass infill and large operable doors as shown on page 45. The guardrails near grade along Terry should be high quality, open air (not glass), with wood top rails, as shown on page 31 & 45.(DC4)

b) The Board recommended the plinth at the sidewalk along Terry be board-formed concrete, and incorporate the guardrail uprights similar to how shown on page 35 along Denny, plus breaking the plinth and adding an at-grade planter 'notch' in the middle of the 4 bays as suggested on the plan page 33. (DC2-B,DC4)

c) The Board supported the corner entry and setback along Denny which creates a generous sidewalk width as shown on page 19. (CS2, PL1)

d) The Board strongly supported the streetscape landscape design shown on page 76, in particular the mix of accent pavers at the two key entry locations, one lapping over the sidewalk, and the pervious accent strips lapping over at a regular rhythm. (DC3-I,DC4)

7. PODIUM EXPRESSION:

a) The Board endorsed the revised massing for the Terry Avenue Façade as shown on page 33, but agreed the residential entry lobby and canopy needs a more distinct visual presence and identity to pedestrians and the street (the large address numbers shown on pg 46 help but are not sufficient). The Board supported retention of the V-shaped canopy support and planter, but suggested a more unique, distinctive canopy design and/or colors for the residential entry (it is shown on page 46 with the same soffit and gray as all other canopies and trim), and/or the gray fin-wall south of the lobby doors can be a unique translucent or color material, rather than the proposed gray metal which evokes the retail storefronts. (DC2-C,D,E)

b) The Board agreed the height of the northeast parapet along Terry was too shallow relative to the vertical mass piers (pg 33), and should match the parapet height of the southeast portion, however this shall be accomplished (even if roof guardrail becomes solid or drops lower over the window openings) without exceeding height limits. (DC2-B)

8. TOWER MATERIALITY, DESIGN & DETAILS:

a) The Board endorsed the tower massing diagram shown on page 53, but was concerned the colors and materials of both A and B were too similar, and the critical distinction of the forms would not be legible from a distance. The Board agreed the vertical B element should be light/whiter as proposed, but agreed the horizontals on the A masses needed more contrast and/or presence, especially to the south (see page 61 compared to 60, which appears to have sufficient horizontal distinction) (PL3-A)

b) The Board agreed the signage proposed on page 88 was appropriate, but did not support any signage located far behind the transom glass, as shown in one image. (DC4-B)

c) The Board did not support any free standing tree uplights or other uplights, as shown on page 87, fixture #2, but agreed accent up-washes of wall surfaces are acceptable as long as they do not spill into residential units on or off site. (DC4-C)

DESIGN REVIEW GUIDELINES

The following Citywide and Neighborhood guidelines were **identified by the Board as Priority Guidelines,** and are summarized below, while all guidelines remain applicable. For the full text please visit the Design Review website.

CONTEXT & SITE

CS1 Natural Systems and Site Features: Use natural systems/features of the site and its surroundings as a starting point for project design.

CS1-A Energy Use

CS1-A-1. Energy Choices: At the earliest phase of project development, examine how energy choices may influence building form, siting, and orientation, and factor in the findings when making siting and design decisions.

CS1-B Sunlight and Natural Ventilation

CS1-B-1. Sun and Wind: Take advantage of solar exposure and natural ventilation. Use local wind patterns and solar gain to reduce the need for mechanical ventilation and heating where possible.

CS1-B-2. Daylight and Shading: Maximize daylight for interior and exterior spaces and minimize shading on adjacent sites through the placement and/or design of structures on site.

CS1-B-3. Managing Solar Gain: Manage direct sunlight falling on south and west facing facades through shading devices and existing or newly planted trees.

CS1-C Topography

CS1-C-1. Land Form: Use natural topography and desirable landforms to inform project design.

CS1-C-2. Elevation Changes: Use the existing site topography when locating structures and open spaces on the site.

South Lake Union Supplemental Guidance:

CS1-I Responding To Site Characteristics

CS1-I-i. Sustainable Design: New development is encouraged to take advantage of site configuration to accomplish sustainability goals. The Board is generally willing to recommend departures from development standards if they are needed to achieve sustainable design. Refer to the Leadership in Energy and Environmental Design* (LEED) manual which provides additional information

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-A Location in the City and Neighborhood

CS2-A-1. Sense of Place: Emphasize attributes that give a distinctive sense of place. Design the building and open spaces to enhance areas where a strong identity already exists, and create a sense of place where the physical context is less established.

CS2-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-1. Site Characteristics: Allow characteristics of sites to inform the design, especially where the street grid and topography create unusually shaped lots that can add distinction to the building massing.

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-B-3. Character of Open Space: Contribute to the character and proportion of surrounding open spaces.

CS2-C Relationship to the Block

CS2-C-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

CS2-C-3. Full Block Sites: Break up long facades of full-block buildings to avoid a monolithic presence. Provide detail and human scale at street-level, and include repeating elements to add variety and rhythm to the façade and overall building design.

South Lake Union Supplemental Guidance:

CS2-I Responding to Site Characteristics

CS2-I-i. Views: Encourage provision of "outlooks and overlooks" for the public to view the lake and cityscapes. Examples include provision of public plazas and/or other public open spaces and changing the form or facade setbacks of the building to enhance opportunities for views.

CS2-I-iii. Gateways: Reinforce community gateways through the use of architectural elements, streetscape features, landscaping and/or signage. Gateways can be defined through landscaping, artwork, and references to the history of the location that create a sense of place. Gateways are transition locations, places that mark entry or departure points to a neighborhood for automobiles and pedestrians. They are sites that create opportunities for identification, a physical marker for the community to notice they are entering a special place. Methods to establish gateways should consider the site's

characteristics such as topography, views or surrounding building patterns. Elements could include building out to meet the corner where appropriate, or tools such as:

a. setbacks to allow for pedestrian friendly spaces;
b. signage;
c. landscaping;
d. artwork;
e. facade treatments.

CS2-I-iv. Heart Locations: Several areas have been identified as "heart locations." [NOTE: Terry Avenue is mapped as a "Neighborhood Heart"] Heart locations serve as the perceived center of commercial and social activity within the neighborhood. These locations provide anchors for the community as they have identity and give form to the neighborhood. Development at heart locations should enhance their central character through appropriate site planning and architecture. These sites have a high priority for improvements to the public realm. A new building's primary entry and facade should respond to the heart location. Special street treatments are likely to occur and buildings will need to respond to these centers of commercial and social activity. Amenities to consider are: pedestrian lighting, , public art, special paving, landscaping, additional public open space provided by curb bulbs and entry plazas. See full guidelines for Heart Locations

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-1. Fitting Old and New Together: Create compatibility between new projects, and existing architectural context, including historic and modern designs, through building articulation, scale and proportion, roof forms, detailing, fenestration, and/or the use of complementary materials.

CS3-A-2. Contemporary Design: Explore how contemporary designs can contribute to the development of attractive new forms and architectural styles; as expressed through use of new materials or other means.

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

South Lake Union Supplemental Guidance:

CS3-I Height, Bulk, and Scale Compatibility

CS3-I-i. Facade Articulation: Articulate the building facades vertically or horizontally in intervals that relate to the existing structures or existing pattern of development in the vicinity.

CS3-I-ii. Reduce Visual Bulk: Consider using architectural features to reduce building scale such as:

a. landscaping;
b. trellis;
c. complementary materials;
d. detailing;
e. accent trim.

CS3-II Architectural Context

CS3-II-i. Mix of Building Style: Support the existing fine-grained character of the neighborhood with a mix of building styles.

CS3-II-v. Industrial Character: Respond to the working class, maritime, commercial and industrial character of the Waterfront and Westlake areas. Examples of elements to consider include:

a. window detail patterns;
b. open bay doors;
c. sloped roofs.

PUBLIC LIFE

PL1 Connectivity: Complement and contribute to the network of open spaces around the site and the connections among them.

PL1-B Walkways and Connections

PL1-B-1. Pedestrian Infrastructure: Connect on-site pedestrian walkways with existing public and private pedestrian infrastructure, thereby supporting pedestrian connections within and outside the project.

PL1-B-2. Pedestrian Volumes: Provide ample space for pedestrian flow and circulation, particularly in areas where there is already heavy pedestrian traffic or where the project is expected to add or attract pedestrians to the area.

PL1-B-3. Pedestrian Amenities: Opportunities for creating lively, pedestrian oriented open spaces to enliven the area and attract interest and interaction with the site and building should be considered.

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-A Accessibility

PL2-A-1. Access for All: Provide access for people of all abilities in a manner that is fully integrated into the project design. Design entries and other primary access points such that all visitors can be greeted and welcomed through the front door.

PL2-A-2. Access Challenges: Add features to assist pedestrians in navigating sloped sites, long blocks, or other challenges.

PL2-C Weather Protection

PL2-C-1. Locations and Coverage: Overhead weather protection is encouraged and should be located at or near uses that generate pedestrian activity such as entries, retail uses, and transit stops.

PL2-C-2. Design Integration: Integrate weather protection, gutters and downspouts into the design of the structure as a whole, and ensure that it also relates well to neighboring buildings in design, coverage, or other features.

South Lake Union Supplemental Guidance:

PL2-I Streetscape Compatibility

PL2-I-i. Street Level Uses: Encourage provision of spaces for street level uses that vary in size, width, and depth. Encourage the use of awnings and weather protection along street fronts to enhance the pedestrian environment.

PL1-I-ii. Streetscape Amenities: Provide pedestrian-friendly streetscape amenities
a. tree grates;
b. benches;
c. lighting.

PL1-I-iii. Sidewalk Retail: Where appropriate, configure retail space so that it can spill-out onto the sidewalk (retaining six feet for pedestrian movement, where the sidewalk is sufficiently wide).

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-A Entries

PL3-A-1. Design Objectives: Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

PL3-A-2. Common Entries: Multi-story residential buildings need to provide privacy and security for residents but also be welcoming and identifiable to visitors.

PL3-A-3. Individual Entries: Ground-related housing should be scaled and detailed appropriately to provide for a more intimate type of entry.

PL3-A-4. Ensemble of Elements: Design the entry as a collection of coordinated elements including the door(s), overhead features, ground surface, landscaping, lighting, and other features.

PL3-C Retail Edges

PL3-C-1. Porous Edge: Engage passersby with opportunities to interact visually with the building interior using glazing and transparency. Create multiple entries where possible and make a physical and visual connection between people on the sidewalk and retail activities in the building.

PL3-C-2. Visibility: Maximize visibility into the building interior and merchandise displays. Consider fully operational glazed wall-sized doors that can be completely opened to the street, increased height in lobbies, and/or special lighting for displays.

PL3-C-3. Ancillary Activities: Allow space for activities such as sidewalk vending, seating, and restaurant dining to occur. Consider setting structures back from the street or incorporating space in the project design into which retail uses can extend.

South Lake Union Supplemental Guidance:

PL3-II Human Activity

PL3-II-i. Public/Private Transition: Create graceful transitions at the streetscape level between the public and private uses.

PL3-II-ii. Active Facades: Design facades to encourage activity to spill out from business onto the sidewalk, and vice-versa.

PL3-II-iii. Coordinate Retail/Pedestrian Activity: Reinforce retail concentrations with compatible spaces that encourage pedestrian activity.

PL3-II-iv. Activity Clusters: Create businesses and community activity clusters through colocation of retail and pedestrian uses as well as other high pedestrian traffic opportunities.

PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.

PL4-B Planning Ahead for Bicyclists

PL4-B-2. Bike Facilities: Facilities such as bike racks and storage, bike share stations, shower facilities and lockers for bicyclists should be located to maximize convenience, security, and safety.

PL4-B-3. Bike Connections: Facilitate connections to bicycle trails and infrastructure around and beyond the project.

PL4-C Planning Ahead For Transit

PL4-C-3. Transit Connections: Where no transit stops are on or adjacent to the site, identify where the nearest transit stops and pedestrian routes are and include design features and connections within the project design as appropriate.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.

DC1-AArrangement of Interior Uses

DC1-A-1. Visibility: Locate uses and services frequently used by the public in visible or prominent areas, such as at entries or along the street front.

DC1-A-2. Gathering Places: Maximize the use of any interior or exterior gathering spaces.

DC1-A-3. Flexibility: Build in flexibility so the building can adapt over time to evolving needs, such as the ability to change residential space to commercial space as needed.

DC1-A-4. Views and Connections: Locate interior uses and activities to take advantage of views and physical connections to exterior spaces and uses.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-AMassing

DC2-A-1. Site Characteristics and Uses: Arrange the mass of the building taking into consideration the characteristics of the site and the proposed uses of the building and its open space.

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-BArchitectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs— considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-B-2. Blank Walls: Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage facades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC2-CSecondary Architectural Features

DC2-C-1. Visual Depth and Interest: Add depth to facades where appropriate by incorporating balconies, canopies, awnings, decks, or other secondary elements into the

façade design. Add detailing at the street level in order to create interest for the pedestrian and encourage active street life and window shopping (in retail areas).

DC2-C-2. Dual Purpose Elements: Consider architectural features that can be dual purpose— adding depth, texture, and scale as well as serving other project functions.

DC2-C-3. Fit With Neighboring Buildings: Use design elements to achieve a successful fit between a building and its neighbors.

DC2-DScale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or "texture," particularly at the street level and other areas where pedestrians predominate.

DC2-EForm and Function

DC2-E-1. Legibility and Flexibility: Strive for a balance between building use legibility and flexibility. Design buildings such that their primary functions and uses can be readily determined from the exterior, making the building easy to access and understand. At the same time, design flexibility into the building so that it may remain useful over time even as specific programmatic needs evolve.

South Lake Union Supplemental Guidance:

DC2-I Architectural Concept and Consistency

DC2-I-i. Roofscape Design: Design the "fifth elevation" — the roofscape — in addition to the streetscape. As this area topographically is a valley, the roofs may be viewed from locations outside the neighborhood such as the freeway and Space Needle. Therefore, views from outside the area as well as from within the neighborhood should be considered, and roof-top elements should be organized to minimize view impacts from the freeway and elevated areas.

DC3 Open Space Concept: Integrate open space design with the building design so that they complement each other.

DC3-BOpen Space Uses and Activities

DC3-B-4. Multifamily Open Space: Design common and private open spaces in multifamily projects for use by all residents to encourage physical activity and social interaction.

South Lake Union Supplemental Guidance:

DC3-I Landscaping To Reinforce Design Continuity With Adjacent Sites

DC3-I-i. Sustainable Landscaping: Encourage landscaping that meets LEED criteria. This is a priority in the Cascade neighborhood.

DC3-I-ii. Native Vegetation: Where appropriate, install indigenous trees and plants to improve aesthetics, captu**re water and create habitat.**

DC3-I-iv. Water Features: Water features are encouraged including natural marsh-like installations.

DC3-I-v. Lighting: Reference the City of Seattle Right Tree Book and the City Light Streetscape Light Standards Manual for appropriate landscaping and lighting options for the area.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-AExterior Elements and Finishes

DC4-A-1. Exterior Finish Materials: Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

DC4-A-2. Climate Appropriateness: Select durable and attractive materials that will age well in Seattle's climate, taking special care to detail corners, edges, and transitions.

DC4-CLighting

DC4-C-1. Functions: Use lighting both to increase site safety in all locations used by pedestrians and to highlight architectural or landscape details and features such as entries, signs, canopies, plantings, and art.

DC4-C-2. Avoiding Glare: Design project lighting based upon the uses on and off site, taking care to provide illumination to serve building needs while avoiding off-site night glare and light pollution.

DC4-DTrees, Landscape, and Hardscape Materials

DC4-D-1. Choice of Plant Materials: Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

DC4-D-2. Hardscape Materials: Use exterior courtyards, plazas, and other hard surfaced areas as an opportunity to add color, texture, and/or pattern and enliven public areas through the use of distinctive and durable paving materials. Use permeable materials wherever possible.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on the requested departure(s) will be based on the departure's potential **to help the project better meet these design guidelines priorities and achieve a better overall project design** than could be achieved without the departure(s). The Board's recommendation will be reserved until the final Board meeting.

At the time of the Recommendation, the following departures were requested:

1. **To Exceed a Maximum Roof Coverage Provision (SMC 23.48.010.H.4 – exceed 25%):** The code requires a maximum rooftop coverage of 25% above the maximum height limit. As part of a 3-part departure for rooftop composition, the applicants are requesting to use the 65% option and then requesting 84% coverage.

   The Board agreed the overall composition which results in 84% coverage is desirable, and provides a gracious transition to the sky. (CS3-I-ii; DC2-B-1)

   The Board unanimously recommended that DPD grant this departure.

2. **To Exceed a Maximum Roof Coverage Provision (SMC 23.48.010.H.7- exceed 65%):** The code requires a maximum rooftop coverage of 65% with provisions. The applicants are requesting 84% coverage including two roof deck areas totaling 15% covered by canopy or roof (not open to sky).

The Board agreed the overall composition which results in 84% coverage is desirable, as long as the 11% of the 84% coverage consists of the light frame and glass roof canopy exactly as portrayed on pg 65, and the 4% of the 84% consists of the roof overhang at the northeast corner, exactly as portrayed on page 65. (CS3-I-ii; DC2-B-1)

The Board unanimously recommended that DPD grant this departure.

3. **To Exceed a Maximum 65% Roof Coverage Provision (SMC 23.48.010.H.7- not comply with 10 ft setback):** The code requires a 10 ft setback from roof edge if using the maximum rooftop coverage of 65%. The applicants are requesting multiple locations not set back 10 ft from the roof edge below, to achieve the rooftop composition.

   The Board agreed the overall composition which expresses the central core straight up without setbacks, is desirable. (CS3-I-ii; DC2-B-1)

   The Board unanimously recommended that DPD grant this departure.

4. **Exceed Maximum Setbacks (SMC 23.48.014.A.3.b):** The Code requires a maximum 12 ft setback along the Terry Avenue ground floor, with specific limits for any setbacks deeper than that; minimum 20 ft from the property corner, maximum 30% of lot frontage; the additional area must be landscaped to the provisions in SMC 23.48.024. The applicant proposes a 40 ft x 28 ft deep setback at the corner of Terry and Denny, and a 20 ft x 21 ft deep recess at the ground floor transition between retail and tower form.

   The Board agreed the generous corner setback is warranted by the busy pedestrian location and the primary retail entry there, and supported the other recess as a better expression of the building forms. The Board also supported the paved treatments shown on page 76 in both locations. (DC2-A, DC2-B)

   The Board unanimously recommended that DPD grant this departure.

5. **Not meet Minimum Parking Requirements (SMC 23.54.030.B.2.b):** The Code requires a minimum of 35% of the non-residential parking spaces (6 in this case) be sized for large vehicles, and the associated drive aisle must be 24 ft wide. The applicant proposes those 6 spaces be medium size, and the drive aisle thus can be reduced to 22 ft .

   The Board agreed the overall commercial parking access and supply are reasonable and the reduced dimensions provide a nominally larger retail area, improving the retail viability . (DC1-A)

   The Board unanimously recommended that DPD grant this departure.

BOARD RECOMMENDATION

The recommendation summarized below was based on the #3018935 design review booklet dated August 19, 2015, and the materials shown and verbally described by the applicant at the August 19, 2015 Design Recommendation meeting (unless a condition below, the design should

not change, especially aspects explicitly noted in the above narrative, which the applicant should carefully read through).

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the four Design Review Board members recommended APPROVAL of the subject design and departures, with the following conditions (Guidelines referenced): These conditions should be resolved prior to MUP issuance.

1) Break the plinth on Terry, design it with board-formed concrete and integrated railing uprights, and add an at-grade planter 'notch' in the middle of the 4 bays as suggested on the plan page 33. (DC2-B,DC4)
2) Revise the residential entry lobby walls, materials and canopy to provide a more distinct visual presence and identity to pedestrians and the street. Retain the V-shaped canopy support and planter, and add a more unique, distinctive canopy design, materials and/or colors to provide street level legibility for the residential entry.
3) The northeast brick parapet height along Terry should match the parapet height of the southeast portion, however this must be accomplished (even if roof guardrail becomes solid) without exceeding height limits. (DC2-B)
4) To ensure legibility of the two tower material palettes, enhance the horizontals on the A masses to provide more contrast and/or presence, especially to the south (see page 61 compared to 60, which appears to have sufficient horizontal distinction).
5) Delete all free standing tree uplights or other uplights, as shown on page 87, fixture # 2.

ANALYSIS & DECISION – DESIGN REVIEW
Director's Analysis

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:
The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

a. Reflects inconsistent application of the design review guidelines; or
b. Exceeds the authority of the Design Review Board; or
c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
d. Conflicts with the requirements of state or federal law.

Subject to the recommended conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.
At the conclusion of the Recommendation meeting held on August 19, 2015, the Board recommended approval of the project with the following conditions:

1) Break the plinth on Terry, design it with board-formed concrete and integrated railing uprights, and add an at-grade planter 'notch' in the middle of the 4 bays as suggested on the plan page 33. (DC2-B,DC4)

2) Revise the residential entry lobby walls, materials and canopy to provide a more distinct visual presence and identity to pedestrians and the street. Retain the V-shaped canopy support and planter, and add a more unique, distinctive canopy design, materials and/or colors to provide street level legibility for the residential entry.
3) The northeast brick parapet height along Terry should match the parapet height of the southeast portion, however this must be accomplished (even if roof guardrail becomes solid) without exceeding height limits. (DC2-B)
4) To ensure legibility of the two tower material palettes, enhance the horizontals on the A masses to provide more contrast and/or presence, especially to the south (see page 61 compared to 60, which appears to have sufficient horizontal distinction).
5) Delete all free standing tree uplights or other uplights, as shown on page 87, fixture # 2.

Four members of the Downtown Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the four members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Response to Recommended Design Review Conditions:

1) The applicant revised the plinth and concrete material on Terry. The proposal meets recommended condition #1.

2) The applicant revised the canopy design, lighting and materials at the residential entrance. The proposal meets recommended condition #2.

3) The applicant increased the parapet height at the specified location. The proposal meets recommended condition #3.

4) The applicant revised the tower materials to provide more contrast. The proposal meets recommended condition #4.

5) The applicant deleted all up-light fixtures and lighting. The proposal meets recommended condition #5.

The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

DECISION – DESIGN REVIEW

The Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized at the end of this Decision.

II. ANALYSIS – SEPA

Environmental review is required pursuant to the Washington Administrative Code 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05). The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations/circumstances, mitigation can be considered.

A Final Environmental Impact Statement (FEIS) was published for the South Lake Union Height and Density Alternatives EIS in April 2012. The FEIS identified and evaluated the probable significant environmental impacts that could result from changing the height and density requirements in South Lake Union (SLU). That analysis evaluated the direct, indirect and cumulative impacts of the Preferred Alternative and alternatives.

The subject site is within the geographic area that was analyzed in the FEIS and is within the range of actions and impacts that were evaluated in the various alternatives. The proposed development lies within the SM (Seattle Mixed) 240'/125'-400' zoning district and the environmental impacts of a height of the proposed 400 feet at the project site were addressed as part of the non-project FEIS. DPD determined that it is appropriate to adopt the FEIS and prepare an EIS Addendum to add more detailed, project-specific information related to the proposed development.

DPD has identified and adopts the FEIS prepared for and in conjunction with amendments to the Land Use Code, Seattle Municipal Code section 23.48, concerning the Seattle Mixed zone. DPD relies on SMC 25.05.600, allowing the use of existing environmental documents as part of its SEPA responsibilities with this project. DPD has determined that the proposed impacts for this Master Use Permit are identified and analyzed in the referenced FEIS; however additional analysis is warranted as permitted pursuant to SMC 25.05.625-630, through an Addendum to the FEIS.

The EIS Addendum dated November 30, 2015, and related documents addressed the following areas of environmental impact:

- Environmental Health
- Energy/Greenhouse Gas Emissions
- Aesthetics – Light, Glare and Shadows
- Aesthetics – Viewshed
- Historic Resources

- Transportation and Parking
- Construction

An Addendum analyzing these areas of environmental impact was prepared and the Notice of Adoption and Availability of Addendum ("Addendum to the Final EIS for the South Lake Union Height and Density Alternatives EIS, Prepared for 970 Denny Way") was published in the City's Land Use Information Bulletin on November 30, 2015. A copy of the Addendum was sent to parties of record that commented on the EIS for the downtown code amendments. In addition, a copy of the notice was sent to parties of record for this project.

Environmental Impacts

The following is a discussion of the impacts identified in each element of the environment, along with any required mitigation for the impacts disclosed. The impacts detailed below were identified and analyzed in the FEIS with more specific project-related discussion in the 2015 Addendum and related documents.

SMC 25.05.600.D allows for existing environmental documents to be used. As stated above, this project includes the adoption of the FEIS along with the development of an Addendum to analyze and - if relevant – mitigate project specific impacts not itemizeded in the FEIS. An additional area of short term impact that was not discussed in the FEIS – Construction – is analyzed with the Addendum and related documents for this project. The authority to allow for additional analysis is in SMC 25.05.600.D.3, as long as the analyses and information does not substantially change the analysis of significant impacts or alternatives in the existing environmental document, that being the FEIS.

A. Short Term Impacts

Construction

SMC 25.05.675.C provides policies to minimize or prevent temporary adverse impacts associated with construction activities. To that end, the Director may require an assessment of noise, drainage, erosion, water quality degradation, habitat disruption, pedestrian circulation and parking, transportation, and mud and dust impacts likely to result from the construction phase.

The FEIS generally identified potential impacts from new construction in the South Lake Union area.

Construction - Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.F

Construction - Noise

The project is expected to generate loud noise during demolition, grading and construction. The Seattle Noise Ordinance (SMC 25.08.425) permits increases in permissible sound levels associated with private development construction and equipment between the hours of 7:00 AM and 10:00 PM on weekdays and 9:00 AM and 10:00 PM on weekends and legal holidays.

If extended construction hours are desired, the applicant may seek approval from DPD through a Noise Variance request.

Given the recent increase in development, there are now multiple private and public construction projects simultaneously underway in close proximity in many neighborhoods across the City of Seattle. These areas have been identified and named Construction Hubs. Currently, these areas include Central Waterfront; Pioneer Square; South Lake Union; North Downtown/Denny Triangle; Ballard; Capitol Hill; and West Seattle. The proposal is located within the South Lake Union Construction Hub. SDOT's Construction Hub Coordination Team manages the transportation/mobility impacts of cumulative construction impacts and addresses concerns by facilitating communication between neighborhood and business groups and appropriate City departments.

Mitigation for construction impacts is subject to the SEPA Overview Policy. Construction activities are subject to the Noise Ordinance; so in order to require SEPA mitigation, there must be unusual circumstance that results in adverse impacts that "substantially exceed" those anticipated by City codes and regulations. The construction noise impacts of the proposed development are expected to be temporary and not substantially exceed the impacts of construction noise anticipated by the Noise Ordinance.

Therefore, a Construction Management Plan will be required, including contact information in the event of complaints about construction noise. The submittal information and review process for Construction Management Plans are described on the SDOT website at: http://www.seattle.gov/transportation/cmp.htm. The CMP may include mitigation listed in Appendix H to the Addendum, in order to mitigate temporary construction noise impacts per SMC 25.05.675.B.

Construction - Environmental Health

A Phase II Environmental Site Assessment (ESA) for the site was prepared in March 2015, and identified potential areas of contamination exist on site, from historic dry cleaning and dye works operations . Contamination above Model Toxic Control Act (MTCA) cleanup levels was found at soil depths that would be excavated during the proposed project development.

In April 2015, a Regulated Building Materials Assessment was conducted for the existing building on site. The survey identified the presence of asbestos containing materials, lead based paint and mercury-containing light fixtures. Prior to demolition of this building, these materials and any other hazardous building materials encountered will be removed by a qualified abatement contractor in accordance with State and Federal guidelines.

Remediation of lead, mercury, asbestos and potential environmental health hazards in the existing building a re within the jurisdiction of King County Health department and are subject

to State and Federal regulations described in SMC 25.05.665.E. This County agency functions to mitigate risks associated with removal and transport of hazardous and toxic materials during demolition of buildings. The City considers King County's jurisdiction and requirements for removal, transport, and disposal will mitigate impacts associated with any health hazards associated with demolition of the existing building.

Mitigation of soil and groundwater contamination and remediation is in the jurisdiction of Washington State Department of Ecology ("Ecology"), consistent with the City's SEPA relationship to Federal, State and Regional regulations described in SMC 25.05.665.E. This State agency Program functions to mitigate risks associated with removal and transport of hazardous and toxic materials, and the agency's regulations provide sufficient impact mitigation for these materials. The City considers Ecology's jurisdiction and requirements for soil remediation will mitigate impacts associated with any contamination.

The Addendum noted that the applicant has indicated cleanup of existing soil or groundwater contamination will be conducted as through Ecology's Voluntary Cleanup Program. This program functions to ensure that remediation activities are conducted consistent with MTCA requirements.

If the proposed remediation plan is submitted to Ecology for review, then it is anticipated that the characterization, removal, treatment, transportation or disposal of any such materials will be sufficiently mitigated under Ecology's authority and regulations. To ensure that environmental impacts are sufficiently mitigated per the authority listed in SMC 25.05.675.F, evidence of a VCP application or other accepted remediation plan to Department of Ecology shall be required prior to issuance of an excavation or shoring permit.

Construction - Parking and Traffic

Increased trip generation is expected during the proposed demolition, grading, and construction activity. The area is subject to significant traffic congestion during peak travel times on nearby arterials. Large trucks turning onto arterial streets would be expected to further exacerbate the flow of traffic.

The area includes limited and timed or metered on-street parking. Additional parking demand from construction vehicles would be expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities.

Pursuant to SMC 25.05.675.B (Construction Impacts Policy), additional mitigation is warranted and a Construction Management Plan is required, which will be reviewed by Seattle Department of Transportation (SDOT). The requirements for a Construction Management Plan include a Haul Route and a Construction Parking Plan. The submittal information and review process for Construction Management Plans are described on the SDOT website at: http://www.seattle.gov/transportation/cmp.htm.

B. Long Term Impacts

SMC 25.05.600.D allows for existing environmental documents to be used. As stated above, this project includes the adoption of the SLU FEIS along with the development of an Addendum to analyze and mitigate site specific impacts not disclosed in the FEIS.

The following is a discussion of the impacts identified in each element of the environment, along with indication of any required mitigation for the impacts disclosed. The impacts detailed below were identified and analyzed in the FEIS with more specific project-related discussion in the 2015 Addendum and related documents.

Energy/Greenhouse Gas Emissions

Decreased air quality is anticipated due to the following: operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. The anticipated emissions from the completed project have been disclosed in a greenhouse gas worksheet (Appendix B of the Addendum). While these impacts are adverse, they are not expected to be significant.

Aesthetics – Light, Glare and Shadows

The EIS included consideration of glare from new buildings clad in reflective materials. The EIS noted that reflective materials are typical of tower development and do not offer a significantly adverse impact to the urban environment. The EIS also listed a variety of strategies that could be used to mitigate glare, including varied façade materials.

The proposed development would be adjacent to Denny Way and proximate to Westlake Avenue N. Both of these streets are designated principal arterials and each carries significant volumes of traffic, and therefore, as required by SMC 23.47A.022.E, the Addendum included analysis of potential light and glare impacts in the vicinity based on the building shape and location, emphasizing potential impacts on vehicles on those two streets.

The building exterior materials were finalized through the design review process, and the tower consists of approximately 55% dark gray spandrel glass, 10% white spandrel glass, 5% dark gray louvers, and 30% clear vision glass. The lower 6 floors have 55% brick mass walls in place of the white spandrel glass and 45% of the gray. All spandrel and vision glass will be non-reflective. Additionally, the west, south and east facades are modulated and curved in plan, which breaks down any incidental reflections into smaller fragments and shorter durations on a particular location.

The specific building shape was analyzed at morning and afternoon times (typical commuting vehicle peaks), and at four dates in the year: March 21, June 21, September 21, and December 21 (see Appendix C to the Addendum). Also note that climatic data indicates an average of 200 fully cloudy days/year in central Seattle, so light and glare impacts are not a primary concern on those days.

While the tower could reflect some direct sunlight on sunny days into adjacent neighborhoods, the reflected light is limited to relatively small arcs to the northeast and west. These arcs would

be further fragmented by the curved facades of the east and west tower form, so light and glare impacts to the general context are not significant. Traffic on Denny Way and Westlake Avenue could occasionally experience reflected solar glare from portions of the proposed building facades, but the glare would be fragmented by the mixed materials, the location of the glare is very limited (typically to one intersection or block length) and the duration of such impact would be brief (1-2 seconds) in most instances.

In the afternoon with clear conditions in March and September , bands of glare could impact eastbound drivers on Denny Way for 5 - 13 seconds duration assuming normal travel speeds. But during that 4-6pm time period, traffic is typically moving very slowly on Denny, particularly in the glare impact area which is limited to two blocks length between Dexter and 9th Avenue.

Appendix D of the Addendum evaluated potential shadow impacts from the 400 ft tower on the three identified protected public areas in the project vicinity: Denny Park, 1 ½ blocks to the west; Cascade Park, 3 blocks to the northeast; and Lake Union Park, 5 blocks to the north. The shadow analysis shows no shadow impacts on Lake Union Park. Between sunrise and 8.30 am on the equinoxes and in June, a shadow could extend into the eastern third of Denny Park; this portion of park is already heavily shaded by large existing trees. Between 3 and 4pm on the equinoxes, and from 4 pm until 5.19 sunset on December 21, a narrow shadow could extend into Cascade Park, but this shadow will track rapidly across the park as the sun moves quickly near days end.

It is anticipated that the proposed project will not create significant light, glare or shadow impacts, and no additional mitigation beyond the approved design review materials is warranted per SMC 25.05.675.K.

Aesthetics - Public Views

SMC 25.05.675.P provides policies to minimize impacts to designated public views listed in this section. The South Lake Union FEIS discussed potential public view impacts from Volunteer Park (Capitol Hill) and Bhy Kracke Park (Queen Anne). The proposed development is lower height than analyzed for Alternative 1 in the FEIS (160' proposed; 240' analyzed). The proposed structure will not result in any significant impacts from the designated public viewpoints to any designated view corridors, the Space Needle, or City Landmarks.

Appendix E of the Addendum provides an analysis of view impacts from relevant city-designated viewpoints to certain designated water, mountain and skyline views as a result of the proposed development. Of the city's 87 designated public viewpoints, only three could be affected by the proposed project: from Volunteer Park, from Bhy Kracke Park, and from Plymouth Pillars Park.

From the Volunteer Park Water Tower public viewpoint, the proposed structure blends into the existing downtown skyline and while it does impact a small portion of Puget Sound water, it is not significant and does not block the Olympic Mountains. From the Bhy Kracke Park public viewpoint, the proposed structure blends into the foreground of the existing downtown skyline and does not impact any designated mountain, Space Needle or water features. From the Plymouth Pillars Park public viewpoint, the viewpoint closest to the proposal, the proposed structure is hidden behind existing structures in the foreground. The proposed structure is not anticipated to significantly affect views of the designated mountains, water features or downtown skyline from any designated public viewpoints.

The designated scenic route of Fairview Avenue N terminates at Denny Way near the project, but its concerned public views are to the north and south, and the proposal is to the west of the Fairview Avenue scenic route.

It is anticipated that the proposed project will not adversely impact designated public views, and no mitigation is required per SMC 25.05.675.P.

Aesthetics - Shadows on Public Open Spaces

The EIS included consideration of shadow impacts to public spaces, including Cascade Park, which is located to the northeast of the subject property, and Denny Park, which is located west of the subject property.

Appendix D to the Addendum to the EIS included shadow studies that indicated the shadows to the parks would be minimal and primarily in the evening hours near the summer solstice. Therefore, the department concludes that no adverse shadow impacts will occur as a result of the proposal, and conditioning is not warranted per SMC 25.05.675.Q.

Historic Resources

In May 2015 the Landmarks Preservation Board staff reviewed the existing structure on site and determined that it is unlikely to meet standards for designation as an individual landmark (LPB letter 294/15, dated May 7, 2015, in Appendix F of the Addendum). There are no historic landmarks adjacent to or across the street from this site. Accordingly, no mitigation of impacts is warranted pursuant to SMC 25.05.675.H.

Transportation and Parking

SMC 25.05.675.M and SMC 25.05.675R requires that the Director assess the extent of adverse impacts of traffic, transportation, parking and the need for mitigation. The South Lake Union EIS evaluated future traffic conditions for the year 2031, which reflects growth associated with the land use alternatives as well as infrastructure and transit improvements in the area. The subject site is within the area analyzed in the EIS and the proposed development is within the range of actions and impacts evaluated in the EIS.

The transportation analysis associated with the proposed development ("Transportation Impact Analysis, May, 2015"; Appendix G of the Addendum) found that the proposed residential and retail uses are estimated to generate approximately 1,040 net new daily trips, 54 net new trips during the AM peak hour and 81 net new trips during the weekday PM peak hour. The study examined four intersections proximate to the project (and the alley operations at Denny Way and John Street) and found that during the peak hours, all four signalized study intersections are anticipated to operate at the same Level of Service (LOS) by 2018, with no additional delay times, either with or without the project. During the most congested time during the PM peak, the alley intersection with John Street would operate at LOS B, and the alley intersection with Denny would be LOS F; vehicles would likely route to the north and John Street during that time period.

The proposed development will provide below grade parking for 365 vehicles, all accessed the existing, improved alley, which will be widened 2 ft with the project. Also, 123 bicycle parking spaces and showers and lockers would be provided in the parking garage.

Peak parking demand analysis was included in Appendix G of the Addendum. Using rates in the 2010 edition of ITE Parking Generation, and assuming the residential demand to be .75 vehicles per unit, the estimated peak parking demand would be 441 vehicles. The project site is proximate to multiple transit services and adjacent to an emerging mixed use district with a mix of shops and services that enable walking. The proposed number of 365 parking spaces will result in potential demand for an additional 76 parking spaces. The DPD Transportation Planner reviewed the information and determined that the demand for an additional 76 parking spaces will not adversely impact parking within the site vicinity to a significant degree. SMC 25.05.675.M notes that there is no SEPA authority provided for mitigation of residential parking impacts in the South Lake Union Urban Center. This site is located in that Urban Center, and the project is mostly residential with some commercial. Regardless of the parking demand impacts from residential uses, no SEPA authority is provided to mitigate impacts of parking demand from this residential project.

DPD's Transportation Planner has reviewed the traffic and parking analysis and determined that the additional peak hour trips do not contribute new significant adverse traffic impacts not previously disclosed in the FEIS.

The project will also mitigate traffic impacts by participating in the City of Seattle SDOT Active Traffic Management project for the Denny Way corridor, as described in Client Assistance Memo (TIP) 243. Pursuant to that mitigation payment system, the project proposes to pay a pro rata contribution of $38,743 in order to help reduce project transportation impacts. Per Condition # 8, this fee shall be paid prior to final building permit issuance, consistent with DPD business rules.

With those mitigation measures, the project is not anticipated to cause significant adverse impacts to parking or traffic per SMC SMC 25.05.675.M and SMC 25.05.675R.

DECISION - STATE ENVIRONMENTAL POLICY ACT

The proposed action is **APPROVED WITH CONDITIONS**.

DESIGN REVIEW - CONDITIONS FOR APPROVAL

For the Life of the Project

1. Materials, colors, and all other aspects of the approved design shall be consistent with those presented at the design recommendation meeting and the Master Use Plan sets. Any change to materials, colors, or other aspects of the approved design **shall require prior approval by the Land Use Planner** (Garry Papers 206-684-0916 or garry.papers@seattle.gov).

Prior to Certificate of Occupancy

2. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the Master Use Plan sets. Any change to the proposed design, materials, or colors **shall require prior approval by the Land Use Planner** (Garry Papers 206-684-0916 or garry.papers@seattle.gov).

3. The applicant shall provide a Landscape Checklist from Director's Rule 10-2011indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit **shall be approved by the Land Use Planner prior to landscape installation** (Garry Papers 206-684-0916 or garry.papers@seattle.gov).

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a Demolition, Grading, or Building Permit

4. Provide a Construction Management Plan that has been approved by SDOT. The submittal information and review process for Construction Management Plans are described on the SDOT website at: http://www.seattle.gov/transportation/cmp.htm.

Prior to Issuance of a Grading or Building Permit

5. Provide the Land Use Planner (Garry Papers 206-684-0916 or garry.papers@seattle.gov) with evidence that a Voluntary Cleanup Program application or other contamination remediation plan has been submitted to Washington State Department of Ecology.

Prior to Issuance of a Final Architectural Building Permit

6. The applicant shall make a pro rata mitigation payment pursuant to TIP 243 in the amount of $38,743 to the City of Seattle.

Garry Papers, Senior Land Use Planner Date: December 24, 2015
Department of Planning and Development

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.